

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.324 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- TAJPUR District- Samastipur

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1. Tinku Sahani @ Tiku Kumar, Son of Sarlu Sahani
 2. Fulwati Devi @ Fulwanti Devi, W/o Sarlu Sahani
 3. Sarlu Sahani, S/o Late Ayodhya Sahani
 4. Baijnath Sahan, S/o Ayodhya Sahani
 5. Parsuram Sahani @ Parsuram Kumar, Son of Jawhar Sahani

All are resident of Village-Indrawar, P.S.-Tajpur Halai, O.P.-Samastipur,
District-Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjeet Kumar, Adv.

For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 29-06-2021 Heard Mr. Ranjeet Kumar, the learned Advocate

for the appellants and the learned Special Public Prosecutor

for the State.

The appellants have challenged the order dated

17.09.2020 passed by the learned Addl. Sessions Judge-I,

Samastipur in connection with Tajpur P.S. Case No. 06 of



2020, instituted for the offences under Sections 147, 149, 323, 341, 366, 504 and 506 of the Indian Penal Code and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The appellant No. 1 is stated to have teased the nineteen years old daughter of the informant while she was going to her coaching class. When this was protested by the informant, the other appellants abused and threatened him of dire consequences. Later, the victim was abducted and the informant suspected that the appellants have taken away his daughter.

It has been submitted on behalf of the appellants that an absolutely false case has been lodged against all of them. It has further been submitted that the victim has given her statement under Section 164 of the Cr.P.C. in which she has stated that her parents wanted to marry her off to some other person who was not of her choice and, therefore, she had run away to her maternal grandmother's



house, where she called the appellant No. 1 for the purposes of marrying him.

The learned counsel for the appellants, therefore, has submitted that admittedly the victim is a major, which fact would appear from the F.I.R. as also from the 164 statement of the victim girl and that there has been an unusual delay of about a month in lodging the F.I.R. He has further submitted that none of offences under the I.P.C. or under the S.C./S.T. (Prevention of Atrocities) Act, can at all be said to have been made out against the appellants.

Regard being had to the aforesaid submissions, the order dated 17.09.2020, referred to above, is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-I, Samastipur in connection with Tajpur P.S. Case No.



06 of 2020, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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